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Washington D.C., 20231

Case Docket No.: 61466-250470
Date: June 28, 2000
Express Mail Label No.: **EL594170526US**

Dear Sir:

Transmitted herewith for filing is the patent application of
Inventor(s):   Frank J. JAKUBAITIS
For: *METHOD AND SYSTEM FOR DISTRIBUTING DIGITAL WORKS*
Enclosed are:

- **X**   Patent application including: <u>13</u> pages of specification; <u>15</u> claims; <u>1</u> page abstract
- **X**   <u>6</u> sheets of drawings (<u>X</u> informal)
- **X**   An assignment of the application to <u>Netpack, Inc.</u>
- **X**   An associate power of attorney
- **X**   A verified statement to establish small entity status under 37 CFR 1.9 and 1.27.
- **X**   Declaration
- _____   IDS enclosed. _____ with references.
- _____   Preliminary Amendment
- **X**   Certificate of mailing via U.S. express mail

	CALCULATION OF FEES					
	ITEM	NO. OF CLAIMS FILED MINUS BASE*	NO. OF CLAIMS OVER BASE	X SM/LG ENTITY FEE	$ AMOUNT	FEE
A	TOTAL CLAIMS FEE	15 -20*=	0	x $9 or x $18	$ 0	
B	INDEPENDENT CLAIMS FEE**	2 - 3*=	0	x$39 or x 78	$0	
C	SUBTOTAL – ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)					$
D	MULTIPLE-DEPENDENT CLAIMS FEE			SMALL ENTITY FEE = $130 LARGE ENTITY FEE = $260		$
E	BASIC FEE*			SMALL ENTITY FEE = $345 LARGE ENTITY FEE = $690		$345
F	TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)					$345
G	ASSIGNMENT RECORDING FEE				$40	$40
	**LIST INDEPENDENT CLAIMS 1 and 9					

<u>X</u>   Please charge my **Deposit Account No. 16-1805** the amount of <u>$345</u> to cover the filing fee. **A copy of this sheet is enclosed.**

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  <u>X</u>   Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

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  ___   Any patent application processing fees under 37 CFR 1.17.

  ___   The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

  ___   Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Dated: June 28, 2000

VIVIAN S. SHIN
Reg. No. 43,919

PILLSBURY MADISON & SUTRO LLP
725 South Figueroa Street, Suite 1200
Los Angeles, CA 90017-5443
Telephone: (213) 488-7100
Facsimile: (213) 629-1033

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Frank J. JAKUBAITIS	Group No.: Unknown
Serial No.: Not yet assigned	Examiner: Unknown
Filed: June 28, 2000	
For: *METHOD AND SYSTEM FOR DISTRIBUTING DIGITAL WORKS*	

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL
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Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I hereby certify that

X	Letter of transmittal
X	Patent application (13 pages of specification; 15 claims; 1 pages of abstract)
X	6 sheets of <u>informal</u> drawings
X	Declaration
X	Executed assignment, with Recordation Cover Letter
X	A Power of Attorney by Assignee
X	A verified statement to establish small entity status under 37 CFR1.9 and 1.27.
X	Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 CFR 1.10 on the date indicated above and are addressed to:

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Name of person depositing papers:
VIVIAN S. SHIN

Applicant or Patentee: Frank J. Jakubaitis   Docket No. 61466-250470

Serial or Patent No.:   Not assigned

Filed or Issued: June 28, 2000

For: METHOD AND SYSTEM FOR DISTRIBUTING DIGITAL WORKS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) and 1.27 (b) -- SMALL BUSINESS CONCERN)

hereby declare that I am

( )   the owner of the small business concern identified below.

(X)   an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF CONCERN   NETPACK, INC.

ADDRESS OF CONCERN   2102 Business Center Drive, Irvine, CA 92612

hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18.

I hereby declare that rights under contract of law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled   METHOD AND SYSTEM FOR DISTRIBUTING DIGITAL WORKS   by inventor(s) Frank J. Jakubaitis   described in:

(X)   the specification filed herewith

( )   Application Serial No. _____ , filed _____

( )   Patent No. _____ , issued_____

If the right held by the above-identified small business concern is not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

FULL NAME _____

ADDRESS _____

     ( ) INDIVIDUAL   ( ) SMALL BUSINESS CONCERN   ( ) NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

     ( ) INDIVIDUAL   ( ) SMALL BUSINESS CONCERN   ( ) NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING   Frank J. Jakubaitis

TITLE OF PERSON OTHER THAN OWNER   CEO

ADDRESS OF PERSON SIGNING   2102 Business Center Drive, Irvine, CA 92612

SIGNATURE _____   DATE   6-28.00

APPLICATION FOR
UNITED STATES PATENT
IN THE NAME OF

FRANK J. JAKUBAITIS

ASSIGNED TO

NETPACK, INC.

FOR

METHOD AND SYSTEM FOR DISTRIBUTING DIGITAL WORKS

DOCKET NO. 61466-250470

PILLSBURY MADISON & SUTRO LLP
725 South Figueroa Street
Suite 1200
Los Angeles, California 90017
Telephone (213) 488-7100
Facsimile (213) 629-1033

Express Mail No. EL594170526US

TITLE

METHOD AND SYSTEM FOR DISTRIBUTING DIGITAL WORKS

RELATED APPLICATIONS

5   This application claims the benefit of U.S. Provisional Application No. 60/140,929,

entitled "NetPack Special Application Package" and filed June 28, 1999.

BACKGROUND

        1.   Field of the Invention

10   This invention relates to methods and systems for distributing digital works, and in

particular embodiments, methods and systems for distributing digital works among a retail

merchant at a merchant node, a remote server, and a customer at a customer node through a

public communications network.

        2.   Related Art

15   The Internet is a worldwide system of computer networks which allows users at any one

computer to exchange computer data with users at any other computer. The World Wide Web

("WWW") is the most widely used part of the Internet. The WWW is based on the exchange of

information between server and client computers. Each server computer has software, called a

web server, and each client computer has software, called a web browser, for exchanging

20   information over the WWW. One or more server computers store graphical pages of

information, called web pages, which make up a web site. The WWW allows the server

computer to send web pages to a user's client computer and allows the client computer to display

the web pages. The web pages may contain certain words or phrases, buttons, or images which are "clickable" and allow the user to request and display related web pages of information in a hypertext fashion.

5   In recent years, the buying and selling of goods and services on the WWW, otherwise known as electronic commerce or e-commerce, has greatly increased in popularity. One problem with conducting e-commerce on the WWW is that it requires the customer to shop, sitting down in front of a computer and using an Internet connection. However, most customers still prefer to conduct their shopping at traditional retail merchants where computers and Internet connections are not readily available for use by all customers. Therefore, e-commerce companies are unable

10 to offer their products and services for sale in a traditional retail environment. Additionally, there is still some customer concern about performing financial transactions, such as using credit card numbers, over the WWW to purchase products and services.

Accordingly, it would be preferred to develop a method and a system for distributing digital works which allows consumers to purchase Internet-based products and services at

15 traditional retail merchants without the need of a computer or Internet connection at the time of purchase.

BRIEF DESCRIPTION OF THE DRAWINGS

A detailed description of embodiments of the invention will be made with reference to the

20 accompanying drawings, wherein like numerals designate corresponding parts in the several figures.

FIG. 1 is a block diagram illustrating a system for distributing digital works in accordance with an embodiment of the present invention.

FIGS. 2A and 2B illustrate a sample package associated with a digital work which is available for purchase at a retail merchant in accordance with an embodiment of the present invention.

FIGS. 3A and 3B illustrate another sample package associated with a digital work which is available for purchase at a retail merchant in accordance with another embodiment of the present invention.

FIG. 4 illustrates a sample web page for downloading a digital work from a remote server through a public communications network to a customer node in accordance with an embodiment of the present invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

As shown in the drawings for purposes of illustration, embodiments of the present invention include a method and a system for distributing digital works among a retail merchant at a merchant node, a remote server, and a customer at a customer node through a public communications network, preferably the Internet. In preferred embodiments of the present invention, the method utilizes and the system includes one or more digital works. Each digital work includes a text, audio, video, or multimedia work which has been translated to or created in a digital form and which can be recreated or accessed using suitable interpreters, such as software programs. The digital work may be a book, a periodical subscription (such as a newspaper or magazine), a song or collection of songs, a movie, a software program, or the like.

In preferred embodiments, each digital work is presented in a package which is available for purchase at a retail merchant, such as a convenience store, a gasoline station, a supermarket, an office supply outlet, a mall kiosk, or the like. After purchasing the package, the customer downloads the digital work from a remote server through the Internet to a customer node.

5   FIG. 1 illustrates the operational environment for the method and the basic components of the system 10 in accordance with embodiments of the present invention. In preferred embodiments, the system 10 includes a communications link, which in turn includes a public communications network 12, preferably the Internet 12. The communications link is connected to and serves as a medium of communication among a customer node 100, a merchant node 150,

10   and a remote server 200. The communications link includes the Internet 12 as well as equipment for connecting the customer node 100, the merchant node 150, and the remote server 200 in a manner well known to those skilled in the art. In alternative embodiments, the communications link may include any other public or hybrid public-private communications network which transfers data packets among computers or nodes in the network.

15   In the embodiment illustrated in FIG. 1, the system 10 includes a customer node 100. In preferred embodiments, the customer node 100 is a conventional computer equipped with memory (such as RAM, ROM, and a hard disk), at least one processor, an input device (such as a keyboard, a mouse or other pointing device, and/or the like), and an output device (such as a display or the like). The customer node 100 also includes communications equipment for

20   connecting to the Internet 12, such as a modem 102, and connects to the Internet 12 via a public or private connection using such equipment. As is well known in the art, the customer node 100 may connect to the Internet 12 via a wire line (such as twisted-pair telephone wire, coaxial cable,

electric power line, optical fiber wire, leased line, or the like) or wireless (such as satellite,

cellular, radio frequency, or the like) connection using the modem 102. A customer using the

customer node 100 may obtain access to the Internet 12 using an online services network (such

as America Online, CompuServe, Microsoft Network, Prodigy, or the like) or by establishing an

5   account with an Internet Service Provider (ISP). In alternative embodiments, the customer node

100 may include other equipment for connecting to the Internet 12, such as a network card or the

like, and may connect to the Internet 12 via other connections, such as a private enterprise

network (*e.g.*, LAN) which includes at least one server connected to the Internet 12 or the like.

In preferred embodiments, the customer node 100 further includes a web browser 104 stored on

10   the memory of the customer node 100, such as Microsoft® Internet Explorer developed by

Microsoft Corporation or Netscape® Navigator developed by Netscape, Inc., which allows the

customer to request, retrieve, and view web pages. The customer node 100 may also include an

e-mail program 106 and/or other applications 108 (such as a word processing program, a

spreadsheet program, or the like) stored on the memory of the customer node 100. In alternative

15   embodiments, the customer node 100 may be other types of systems with similar equipment and

components, such as a pen-based system, a kiosk, or the like.

In the illustrated embodiment, the system 10 also includes a merchant node 150. In

preferred embodiments, the merchant node 150 is a conventional computer equipped with

memory (such as RAM, ROM, and a hard disk), at least one processor, an input device, an output

20   device, and communications equipment for connecting to the Internet 12 (such as a modem 152).

The merchant node 150 may also include a web browser 154, an e-mail program 156, and/or

other applications (not shown) stored on the memory of the merchant node 150. These

components may be identical to the components described with respect to the customer node 100 illustrated in FIG. 1. The merchant node 150 may connect to, and a retail merchant using the merchant node 150 may obtain access to, the Internet 12 in a manner similar to the manner described above with respect to the customer node 100. In preferred embodiments, the merchant

5   node 150 further includes a validation software program 158, such as VeriFone's magnetic card reader software, for connecting to the Internet 12 or other public communications network and updating a database of digital works 202 stored on the remote server 200, as more fully described below. In alternative embodiments, the merchant node 150 may be other types of systems with similar equipment and components, such as a pen-based system, a kiosk, or the like. In other

10   alternative embodiments,

In the embodiment illustrated in FIG. 1, the system 10 further includes a remote server 200 which provides a remote web site 200 on the WWW. In preferred embodiments, the remote server 200 is a conventional computer with memory (such as RAM, ROM, and a hard disk) and at least one processor. The remote server 200 is connected to the Internet 12, either directly or

15   via a network such as a local area network ("LAN"), a wide area network ("WAN"), or the like. The remote server 200 includes a database of one or more digital works 202 stored on the memory of the remote server 200. Each digital work 202 is preferably stored as a self-contained module of compressed software and/or data. Some digital works 202, such as a book, may simply include basic files (such as a word processing document, a text file, or the like) which

20   may be viewed using an application 108 (such as a word processing program, Adobe® Acrobat® Reader, or the like) already installed on the customer node 100. Other digital works 202, such as a software program, may include files comprising the software program itself as well as setup or

installation executable files for installing the software program on the customer node 100. The

database also includes identification data associated with each digital work 202, such as a unique

identifier, a unique combination of a user name and a password, or the like.

The remote server 200 further includes a web server 204 which communicates with the

5   web browser 104 executing on the customer node 100 and/or the web browser 154 executing on

the merchant node 150 using standard communications protocols, such as HyperText Transfer

Protocol ("HTTP") or the like, to display desired web pages of the remote web site 200. The

web server 204 accesses one or more HTML documents 206 which are stored on the remote

server 200 and which can be requested, retrieved, and viewed by the customer at the customer

10   node 100 via the web browser 104 and/or the retail merchant at the merchant node 150 via the

web browser 154. The HTML documents 206 include an interface for downloading one or more

digital works 202 stored on the memory of the remote server 200, as shown in FIG. 4.

In the illustrated embodiment, the system 10 also includes a package associated with each

digital work 202 which is available for purchase at a retail merchant. As described more fully

15   below, the package includes the identification data associated with each digital work 202,

information about the digital work 202, and instructions for downloading the digital work 202.

After purchasing the package, the customer downloads the digital work 202 from the remote

server 200 through the public communications network 12 to the customer node 100.

A method for distributing digital works 202 among the retail merchant at the merchant

20   node 150, the remote server 200, and the customer at the customer node 100 through the public

communications network 12, preferably the Internet, shown in FIG. 1 will now be described with

reference to FIGS. 1-4. FIGS. 2A and 2B illustrate a sample package 300 as available for

purchase by the customer at the retail merchant. In the illustrated embodiment, the package 300 includes identification data 302 displayed on the package 300. In one embodiment, the identification data 302 is a unique 16-character alphanumeric identifier 302. However, in alternative embodiments, the identification data 302 may be other types of data, such as a user name and/or password, may be other forms of identifiers, such as alphabetic-only or numeric-only identifiers, and may include any number of characters. In the illustrated embodiment, the package 300 also includes a magnetic strip 304 on the package 300. In alternative embodiments, the magnetic strip 304 may be omitted. The package 300 further includes information 306 about the digital work 202, such as pictures and a brief summary of the digital work 202, displayed on the package 300. Moreover, the package 300 includes instructions 308 for downloading the digital work 202 and specifies the universal resource locator address for the remote server web site 200 from which the digital work 202 is available for downloading.

In one embodiment, the customer simply purchases the package 300 associated with a desired one of the digital works 202 at the retail merchant and then downloads the desired digital work 202 from the remote server 200. No further action, such as reading the identifier 302 from the package 300 or activating or validating the package 300, is required by either the customer or the retail merchant.

In alternative embodiments, the package 300 may require activation or validation by the retail merchant. Although the identifier 302 is displayed on the outer surface of the package 300, the desired digital work 202 is not available for access or download from the remote server 200 until such activation or validation. The retail merchant inputs the identifier 302 into the merchant node 150 using a standard input device, such as typing the identifier 302 using a

keyboard, scanning the identifier 302 with a bar code scanner, reading the identifier 302 from the magnetic strip 304 using a magnetic card reader, or the like. Once the identifier 302 is input into the merchant node 150, the validation software program 158 connects to the public communications network 12 using the modem 152 and sends through the public communications

5   network 12 to the remote server 200 a request to set the status of the desired digital work 202 as available for access, specifying the identifier 302 of the desired digital work 202 included in the purchased package 300. When the remote server 200 receives this request, the database of digital works 202 is searched for the desired digital work 202 identified by the identifier 302 included in the received request, and the status of the desired digital work 202 is set as available for access.

10   In other alternative embodiments, the package 300 may require reading a portion or all of the identifier 302 from the package 300 in order to provide the identifier 302 to the customer. In the embodiment illustrated in FIGS. 2A and 2B, the entire identifier 302 is displayed on an outer surface of the package 300. However, in other alternative embodiments of the present invention, only a portion or none of the identifier 302 is displayed on the outer surface of the package 300.

15   At the retail merchant, the non-displayed portion of the identifier 302 is read from the magnetic strip 304 on the package 300 and then printed on a receipt which is given to the customer. Thus, the identifier 302 includes the first portion (if any) of the identifier 302 displayed on the outer surface of the package 300 and the second portion of the identifier 302 read from the magnetic strip 304 on the package 300 and printed on the customer's receipt.

20   FIGS. 3A and 3B illustrate another sample package 400 as available for purchase by the customer at the retail merchant. In the illustrated embodiment, the package 400 includes similar elements to the package 300 shown in FIGS. 2A and 2B. The package 400 includes information

406 about the digital work 202, such as pictures and/or a brief summary of the digital work 202, displayed on the package 400. The package 400 may be opened and include multiple pages of information about the digital work 202 (not shown). The package 400 also includes instructions 408 for downloading the digital work 202 and specifies the universal resource locator address for

5   the remote server web site 200 from which the digital work 202 is available for downloading. As shown, the package 400 further includes identification data disposed on an inside surface of the package 400 and sealed within the package 400 behind a tamper proof, removable panel 402. In one embodiment, the identification data is a unique combination of a user name and password. However, in alternative embodiments, the identification data may be other types of data, such as

10   an alphabetic, numeric, or alphanumeric identifier. In other alternative embodiments, a first portion of the identification data may be displayed on the outer surface of the package 400, and a second portion of the identification data may be disposed on the inside surface of the package 400 and sealed within the package 400 behind the removable panel 402. In further alternative embodiments, the package 400 may also include a magnetic strip (not shown) on the package

15   400, and a first portion of the identification data may be stored on and read from the magnetic strip, and a second portion of the identification data may be disposed on the inside surface of the package 400 and sealed within the package 400 behind the removable panel 402.

In preferred embodiments, once the customer purchases the package 300 or 400 associated with a desired one of the digital works 202 at the retail merchant, the customer then

20   accesses the remote web site 200 via the web browser 104 on the customer node 100. The customer node 100 sends through the public communications network 12 to the remote server 200 a request for the home page 206 of the remote web site 200. When the remote server 200

receives this request, the web server 204 on the remote server 200 retrieves the home page 206 of

the remote web site 200 and sends the requested home page 206 to the customer node 100

through the public communications network 12. The home page 206 is then displayed to the

customer at the customer node 100 via the web browser 104, as shown in FIG. 4. In the

5   illustrated embodiment, the home page 206 provides an interface for downloading the desired

digital work 202 from the remote server 200 through the public communications network 12 to

the customer node 10. The customer inputs the identifier 302 or 402 for the desired digital work

using a standard input device, such as typing the identifier 302 using a keyboard or reading the

identifier 302 from the magnetic strip 304 using a magnetic card reader, and then clicks the

10   "Submit" button. The customer node 100 sends through the public communications network 12

to the remote server 200 a request for the desired digital work 202, specifying the identifier 302

or 402 of the desired digital work 202 included in the purchased package 300 or 400. When the

remote server 200 receives this request, an authorization module 208 on the remote server 200

searches the database of digital works 202 for the desired digital work 202 specified by the

15   identifier 302 or 402 included in the received request. If the desired digital work 202 is found, it

is transmitted (i.e., downloaded) from the remote server 200 through the public communications

network 12 to the customer node 100. When the desired digital work 202 is received at the

customer node 100, it is stored on the memory of the customer node 100 for subsequent access

and use by the customer. If the desired digital work 202 is not found, an error message is

20   transmitted from the remote server 200 through the public communications network 12 to the

customer node 100, indicating that the desired digital work 202 was not found or not available on

the remote server 200.

In one embodiment, before or after the desired digital work 202 is downloaded from the remote server 200, the remote server 200 sends a request for customer registration data through the public communications network 12 to the customer node 100. An HTML document 206 is displayed at the customer node 100, asking the customer to enter demographic information (such

5 as the customer's name, address, phone number(s), e-mail address, age, sex, marital status, number of children, occupation, income, and interests). This information is then sent to the remote server 200 and stored in a customer database 210 on the memory of the remote server 200. The information stored in the customer database 210 may then be used to market other digital works 202 and/or other related products and services to registered customers.

10 While the description above refers to particular embodiments of the present invention, it will be understood that many modifications may be made without departing from the spirit thereof. The accompanying claims are intended to cover such modifications as would fall within the true scope and spirit of the present invention.

The presently disclosed embodiments are therefore to be considered in all respects as

15 illustrative and not restrictive, the scope of the invention being indicated by the appended claims, rather than the foregoing description, and all changes which come within the meaning and range of equivalency of the claims are therefore intended to be embraced therein.

<u>WHAT IS CLAIMED IS:</u>

1.   A method for distributing digital works among a retail merchant, a remote server, and a customer at a customer node, each digital work having identification data associated therewith, the remote server being intermittently coupled through a communications link which includes a

5   public communications network to the customer node, the method comprising the steps of:

storing the digital works and their associated identification data on a memory of the remote server;

purchasing from the retail merchant a package associated with a desired one of the digital works, wherein the package includes the desired digital work's identification data;

10   sending a request to access the desired digital work from the customer node through the public communications network to the remote server, the request specifying the desired digital work's identification data included in the purchased package;

receiving at the remote server the request to access the desired digital work;

searching the digital works stored on the remote server for the desired digital work

15   specified by the identification data in the received request;

transmitting the desired digital work from the remote server through the public communications network to the customer node;

receiving at the customer node the desired digital work;

storing the desired digital work on a memory of the customer node.

20

2.   The method of claim 1, wherein the identification data for each of the digital works stored

on the remote server includes a unique identifier, and further wherein the unique identifier is

displayed on an outer surface of the package.

5   3.   The method of claim 2, wherein the remote server is intermittently coupled through the

communications link which includes the public communications network to a merchant node

used by the retail merchant, and further wherein the identification data for each of the digital

works stored on the remote server further includes a status indicating whether the digital work is

available or not available for access, the method further comprising the steps of:

10   receiving a request to set the status of the desired digital work as available for access at

the remote server through the public communications network from the merchant node, the

request specifying the desired digital work's unique identifier included in the purchased package;

                searching the digital works stored on the remote server for the desired digital work

specified by the unique identifier in the received request; and

15   setting at the remote server the status of the desired digital work as available for access.

        4.   The method of claim 1, wherein the identification data for each of the digital works stored

on the remote server includes a unique combination of an identifier and a password, and further

wherein the unique combination of the identifier and the password are disposed on an inner

20   surface of the package and sealed within the package, the method further comprising the step of:

                after purchasing from the retail merchant the package associated with the desired digital

work, opening the package to reveal the desired digital work's unique combination of the

identifier and the password disposed on the inner surface of the package.

5.   The method of claim 1, wherein the identification data for each of the digital works stored on the remote server includes a unique identifier, and further wherein a first portion of the unique identifier is displayed on an outer surface of the package and a second portion of the unique identifier is stored on a magnetic strip on the package, the method further comprising the steps of:

after purchasing from the retail merchant the package associated with the desired digital work, reading the second portion of the unique identifier from the magnetic stripe on the package; and

printing the second portion of the unique identifier for the customer.

6.   The method of claim 1, wherein the identification data for each of the digital works stored on the remote server includes a unique identifier, and further wherein a first portion of the unique identifier is displayed on an outer surface of the package and a second portion of the unique identifier is disposed on an inner surface of the package and sealed within the package, the method further comprising the step of:

after purchasing from the retail merchant the package associated with the desired digital work, opening the package to reveal the second portion of the unique identifier disposed on the inner surface of the package.

7.   The method of claim 1, further comprising the steps of:

sending a request for customer registration data from the remote server through the public

communications network to the customer node;

inputting at the customer node the requested customer registration data;

transmitting the inputted customer registration data from the customer node through the

5 public communications network to the remote server;

receiving at the remote server the transmitted customer registration data; and

storing the transmitted customer registration data on the memory of the remote server.

8. The method of claim 1, wherein the public communications network comprises the

10 Internet.

9. A system for distributing digital works, each digital work having identification data

associated therewith, the system comprising:

a. a package associated with a desired one of the digital works, wherein the package

15 includes the desired digital work's identification data and is purchased from a retail merchant;

b. a communications link which includes a public communications network;

c. a customer node used by a customer, the customer node comprising:

i. memory;

ii. a processor connected to the memory of the customer node; and

20 iii. equipment connected to the processor of the customer node for coupling to

the communications link which includes the public communications network; and

iv. logic for performing the steps of:

(1)   sending a request to access the desired digital work through the

public communications network, the request specifying the desired digital work's identification

data included in the purchased package;

(2)   receiving the desired digital work through the public

communications network; and

(3)   storing the desired digital work on the memory of the customer

node; and

    d.   a remote server comprising:

        i.   memory;

        ii.   a processor connected to the memory of the remote server; and

        iii.   equipment connected to the processor of the remote server for coupling to

the communications link which includes the public communications network;

        iv.   the digital works and identification data associated with each of the digital

works stored on the memory of the remote server; and

        v.   logic for performing the steps of:

(1)   receiving the request to access the desired digital work through the

public communications network from the customer node;

(2)   searching the digital works stored on the remote server for the

desired digital work specified by the identification data in the received request; and

(3)   transmitting the desired digital work through the public

communications network to the customer node.

10.   The system of claim 9, wherein the identification data for each of the digital works stored

on the remote server includes a unique identifier, and further wherein the unique identifier is

displayed on an outer surface of the package.

5   11.   The system of claim 9, wherein the remote server is intermittently coupled through the

communications link which includes the public communications network to a merchant node

used by the retail merchant, the identification data for each of the digital works stored on the

remote server further includes a status indicating whether the digital work is available or not

available for access, and the remote server further comprises logic for performing the steps of:

10   receiving a request to set the status of the desired digital work as available for access

through the public communications network from the merchant node, the request specifying the

desired digital work's unique identifier included in the purchased package;

searching the digital works stored on the remote server for the desired digital work

specified by the unique identifier in the received request; and

15   setting the status of the desired digital work as available for access.

12.   The system of claim 9, wherein the identification data for each of the digital works stored

on the remote server includes a unique combination of an identifier and a password, and further

wherein the unique combination of the identifier and the password are disposed on an inner

20   surface of the package and sealed within the package.

13.   The system of claim 9, wherein the identification data for each of the digital works stored on the remote server includes a unique identifier, and further wherein a first portion of the unique identifier is displayed on an outer surface of the package and a second portion of the unique identifier is stored on a magnetic strip on the package.

5

14.   The system of claim 9, wherein the identification data for each of the digital works stored on the remote server includes a unique identifier, and further wherein a first portion of the unique identifier is displayed on an outer surface of the package and a second portion of the unique identifier is disposed on an inner surface of the package and sealed within the package.
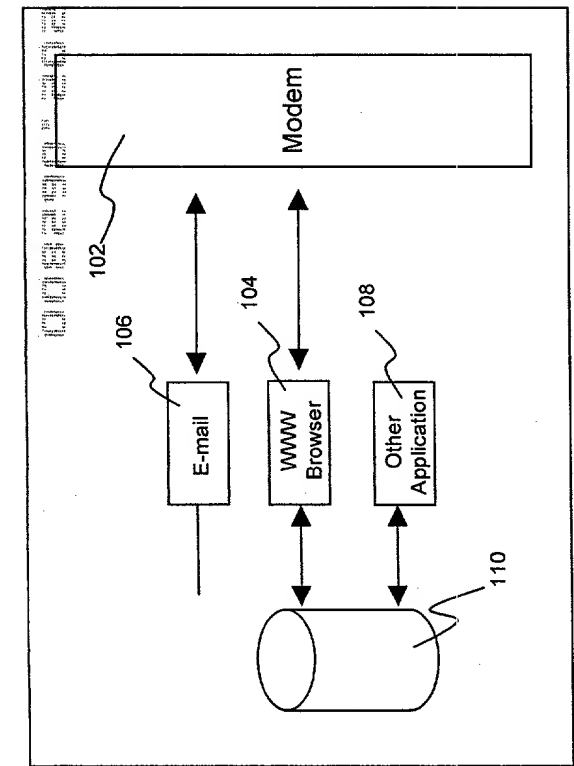
10

15.   The system of claim 9, wherein the public communications network comprises the Internet.

ABSTRACT OF THE DISCLOSURE

A system for distributing digital works includes a package associated with a desired one of the digital works, a customer node used by a customer, and a remote server. The remote server and the customer node are intermittently coupled through a communications link which includes a public communications network, preferably the Internet.

The digital works and their associated identification data are first stored on a memory of the remote server. To distribute the digital works, the customer purchases from the retail merchant the package associated with the desired one of the digital works, which includes the desired digital work's identification data. The customer then connects from the customer node through the public communications network to the remote server. The customer node sends a request to access the desired digital work through the public communications network to the remote server, specifying the desired digital work's identification data included in the purchased package. The remote server receives the request to access the desired digital work and searches the digital works stored on the remote server for the desired digital work specified by the identification data in the received request. If the desired digital work is found, it is transmitted from the remote server through the public communications network to the customer node. When the desired digital work is received at the customer node, it is stored on a memory of the customer node for subsequent access and use by the customer.

FIG. 1

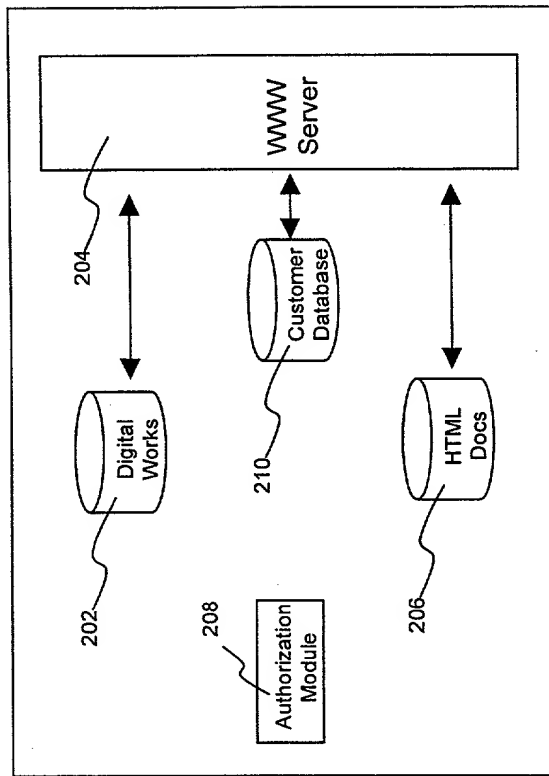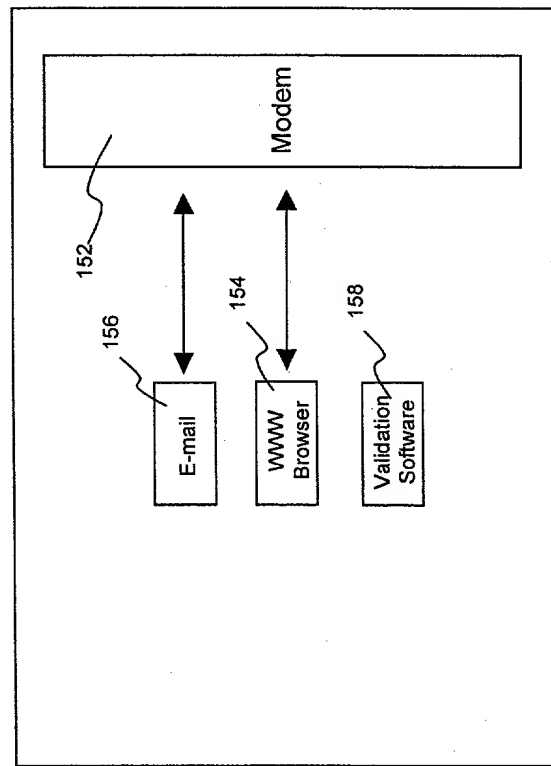Public Communications Network — 12

200
- Digital Works — 202
- WWW Server — 204
- Customer Database — 210
- Authorization Module — 208
- HTML Docs — 206

100
- Modem — 102
- E-mail — 106
- WWW Browser — 104
- Other Application — 108
- 110

150
- Modem — 152
- E-mail — 156
- WWW Browser — 154
- Validation Software — 158

Package

L123 4567 8901

300

No Software Needed ● Internet Access Required

Sample

Special Application Package

For Further Information Visit:
www.secure-trak.com
Access Code: 1248
Net Code: 7591
or
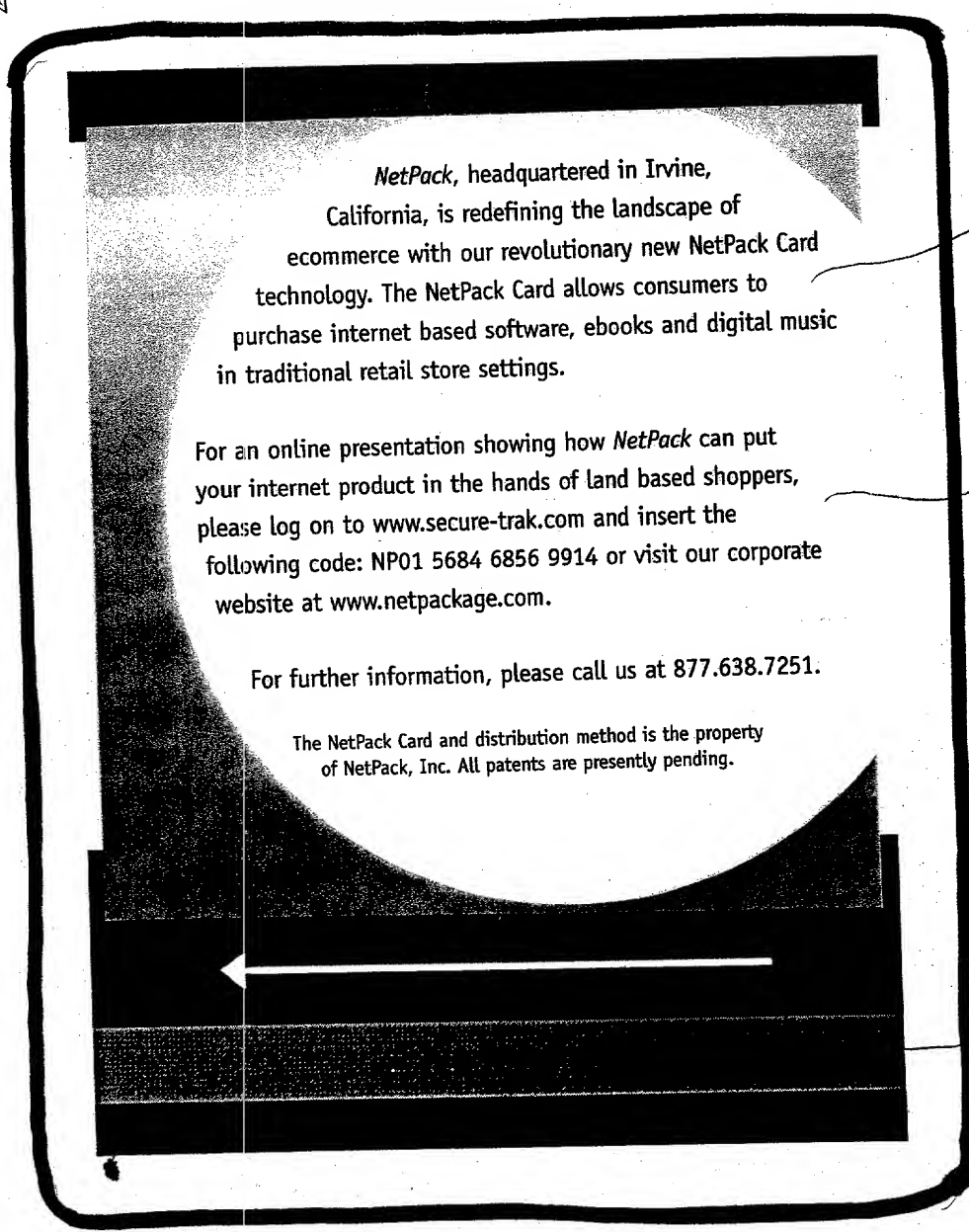Call Toll Free 1.877.638.7251

302

L4764 1484 1248 7591

Slide card to Net Pack this product →

FIG. 2A

300

NetPack, headquartered in Irvine, California, is redefining the landscape of ecommerce with our revolutionary new NetPack Card technology. The NetPack Card allows consumers to purchase internet based software, ebooks and digital music in traditional retail store settings.

For an online presentation showing how *NetPack* can put your internet product in the hands of land based shoppers, please log on to www.secure-trak.com and insert the following code: NP01 5684 6856 9914 or visit our corporate website at www.netpackage.com.

For further information, please call us at 877.638.7251.

The NetPack Card and distribution method is the property of NetPack, Inc. All patents are presently pending.

306

308

304

FIG. 2B

400

Net Pack

Sample

Net Package

This Net Package provides a sample of NetPack product.

406

FIG. 3A

402

Access:
To access this program, you must first have internet access. The cost of this package does not include your standard monthly Internet provider user access fees, nor does it include equipment necessary to access the Internet. Any and all such fees or hardware required are the sole responsibility of the purchaser. To view or download this Internet program (1) Access the Internet (2) Enter the Internet domain as follows: http://www.secure-irak.com (3) Remove the perforated back panel of this netpackage (4) Enter the access code from inside the netpackage panel (5) Enter the Net code from your store purchase receipt in the spaces provided on the screen. (6) Press the submit button or enter key on your keyboard, and follow the prompts. You must enter the Net code printed from your purchase receipt, along with the *Netpackage* access code to gain access to this program. Your *Netpackage* access code and your Net code from your store receipt will not change. To re-enter the program, simply repeat the above steps. Should you encounter difficulty, please call our toll free customer service number for assistance. 1-877-638-7251

Bar Code here

Do Not Accept
If Seal Is Broken

Remove This
Panel For
Access Code

408

FIG. 3B

Welcome to Secure-Trak

2000... Software Recovery Gateway

Please enter your 16 digit card number below without any spaces and press submit.

Card Number

Submit   Reset

Utility Downloads

Microsoft Internet Explorer   Computer Currents

Netscape   WINZIP 7.0

For Mac
Stuffit

FAQ for Downloading

CUSTOMER SERVICE:
If you have any difficulty with your card, or card number , please e-mail us immediately at the link provided below or call our customer service department toll free between the hours of 8:00 a.m. and 5:00 p.m. P.S.T. at 877.638.7251. Thank You.
custserv@netpackage.com

LEGAL NOTICE:
All system and business model rights are specifically reserved. All trade names are the property of their individual respective owners. Copyright 1999-2000 All patents pending.

FIG. 4

206

PATENT (U.S.A.)
ATTORNEY'S DOCKET NO.
61466-250470

DECLARATION

■ ORIGINAL
☐ CONTINUATION
☐ DIVISIONAL

As a below named inventor, I declare that the information given herein is true, that I believe that I am the original, first and sole inventor if only one name is listed at 1 below, or a joint inventor if plural inventors are named below at 1-4, of the invention entitled:

METHOD AND SYSTEM FOR DISTRIBUTING DIGITAL WORKS

Which is described and claimed in:
    ■ the attached specification or
    ☐ the specification in application Serial No. _____ filed _____
    ☐ as amended on _____
and for which a patent is sought, and that my residence, post office address and citizenship are as stated below next to my name.

I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION NUMBER(S)	COUNTRY	DATE OF FILING Month Day Year	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES __ NO __
			YES __ NO __

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

60/140,929	June 28, 1999
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.)	(Filing Date)	(Status)

1

Send correspondence to:
PILLSBURY MADISON & SUTRO LLP
725 South Figueroa, Suite 1200
Los Angeles, CA 90017-5443

DIRECT TELEPHONE CALLS TO:
Vivian S. Shin
(213) 488-7100

	LAST NAME	FIRST NAME	MIDDLE NAME	Residence: CITY	STATE or COUNTRY
1	Jakubaitis	Frank	J.	Tustin Ranch	CA
	Post Office Address 10795 Duroy, Tustin Ranch, CA 92782				CITIZENSHIP US
2	LAST NAME	FIRST NAME	MIDDLE NAME	Residence: CITY	STATE or COUNTRY
	Post Office Address				CITIZENSHIP
3	LAST NAME	FIRST NAME	MIDDLE NAME	Residence: CITY	STATE or COUNTRY
	Post Office Address				CITIZENSHIP
4	LAST NAME	FIRST NAME	MIDDLE NAME	Residence: CITY	STATE or COUNTRY
	Post Office Address				CITIZENSHIP

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1	SIGNATURE OF INVENTOR 2
DATE 6.28.00	DATE
SIGNATURE OF INVENTOR 3	SIGNATURE OF INVENTOR 4
DATE	DATE

2

PATENT
61466-250470

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit: Not assigned
)	Examiner: Not assigned
Frank J. Jakubaitis)	
Serial No: Not assigned)	
Filed: June 28, 2000)	
For: METHOD AND SYSTEM FOR)	
DISTRIBUTING DIGITAL WORKS)	
)	

POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR UNDER RULE 3.71

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned **Mr. Frank J. Jakubaitis** is a representative authorized to sign on behalf of the assignee of the entire interest in the above-identified subject application, **NETPACK, INC.** and hereby appoints:

Paul N. Kokulis, Reg. No. 16,773; Raymond F. Lippitt, Reg. No. 17,519; G. Lloyd Knight, Reg. No. 17,698; George M. Sirilla, Reg. No. 18,221; Carl G. Love, Reg. No. 18,781; Kevin E. Joyce, Reg. No. 20,508; Edgar H. Martin, Reg. No. 20,534; David W. Brinkman, Reg. No. 20,817; Jay M. Finkelstein, Reg. No. 21,082; William K. West, Jr., Reg. No. 22,057; G. Paul Edgell, Reg. No. 24,238; Donald J. Bird, Reg. No. 25,323; Peter W. Gowdey, Reg. No. 25,872; Richard H. Zaitlen, Reg. No. 27,248; Glenn J. Perry, Reg. No. 28,458; Dale S. Lazar, Reg. No. 28,872; Kendrew H. Colton, Reg. No. 30,368; Mark G. Paulson, Reg. No. 30,793; Paul E. White, Jr., Reg. No. 31,097; Roger R. Wise, Reg. No. 31,204; Stephen C. Glazier, Reg. No. 31,361; Paul F. McQuade, Reg. No. 31,542; Michelle N. Lester, Reg. No. 32,331; David A. Jakopin, Reg. No. 32,995; Timothy J. Klima, Reg. No. 34,852; Lynn E. Eccleston, Reg. No. 35,861; Paul G. Nagy, Reg. No. 37,896; Peter J. Gluck, Reg. No. 38,022; Steven W. Smyrski, Reg. No. 38,312; Richard K. Yoon, Reg. No. 42,247; Eric S. Chen, Reg. No. 43,542; Vivian S. Shin, Reg. No. 43,919

all of the firm of PILLSBURY MADISON & SUTRO LLP as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventor and his attorney in accordance with the provisions of Rule 32 of the Patent Office Rules of Practice.

NETPACK, INC., per 37 C.F.R. §3.73(b), certifies that the evidentiary documents with respect to its ownership have been reviewed and that to the best of the undersign's knowledge and belief, title is in the assignee seeking this action.

NETPACK, INC., declares that 100% ownership is established by the assignment filed for recordation on, a copy of which is attached.

Please direct all telephone calls to **Vivian S. Shin** at (213) 488-7100 and all correspondence relative to said application to the following address:

> Vivian S. Shin
> PILLSBURY MADISON & SUTRO LLP
> 725 South Figueroa Street, Suite 1200
> Los Angeles, CA 90017-5443

ASSIGNEE: **NETPACK, INC.**

Date: 6.28.00

Signature: _____

Title: CEO

Address: 2102 Business Center Drive
Irvine, CA 92612